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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GOMEZ-AMARO,

Defendant.

Case No. 2:17-cr-278-JAD-CWH

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

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**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including January 19, 2018 to file any and all pretrial motions and notice of defense.

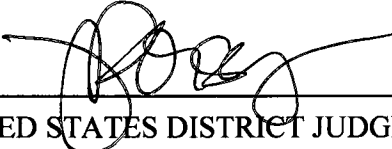
IT IS FURTHER ORDERED that the parties shall have to and including February 2, 2018 to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including February 9, 2018 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government’s prospective witnesses must be electronically submitted to the Court by the 20th day of February, 2018.

IT IS FURTHER ORDERED that the calendar call currently scheduled for October 23, 2017, at the hour of 1:30 p.m., be vacated and continued to February 20, 2018 at the hour of 1:30 p.m. ; and the trial currently scheduled for October 31, 2017, at the hour of 9:00 a.m., be vacated and continued to February 27, 2018, at the hour of 9:00 a.m.

DATED this 13<sup>th</sup> day of October, 2017.

  
UNITED STATES DISTRICT JUDGE